

**ORDINANCE NO. 2370**

**AN ORDINANCE DELEGATING AUTHORITY TO THE SECRETARY OF TRANSPORTATION, COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION, TO ACQUIRE RIGHT-OF-WAY, AS MAY BE REQUIRED, FOR AND ON BEHALF OF THE BOROUGH OF HANOVER, FOR THE CONSTRUCTION OF THE KINDIG LANE AND HIGH STREET TRAFFIC SIGNALS, AND THEREBY AMENDING CHAPTER 346-3 OF THE HANOVER BOROUGH CODE, UPON COMPLETION OF THE PROJECT.**

**WHEREAS,** The Borough of Hanover and the Secretary of Transportation, Commonwealth of Pennsylvania, Department of Transportation, have coordinated through appropriate officials a traffic improvement project at the location where Kindig Lane and High Street intersect in the Borough of Hanover ("Project"); and

**WHEREAS,** The Borough of Hanover owns and maintains the existing Kindig Lane and High Street;

**WHEREAS,** To build the Project, the Secretary of Transportation has agreed to acquire on behalf of the Borough of Hanover all the right-of-way necessary for the construction, operation and maintenance of the new roadway facilities including, but not limited to, the traffic signals. The right-of-way needed for the Project is required right-of-way in fee simple, temporary construction easements, and traffic signal easements for borough street; and

**WHEREAS,** Although it is the policy of the Secretary of Transportation to acquire all such right-of-way amicably by negotiation, it may become necessary for the Department to condemn property in the event an amicable settlement cannot be reached; and

**WHEREAS,** The Secretary of Transportation, on behalf of the Governor as well as himself, wishes to proceed in a prompt manner with the acquisition of all necessary right-of-way for the Project.

**NOW WHEREFORE,** Hanover Borough Council hereby enacts this date the following Ordinance:

**SECTION ONE. Delegation of Authority.**

The Borough of Hanover hereby delegates to the Secretary of Transportation, Commonwealth of Pennsylvania, Department of Transportation, its authority to file a condemnation to acquire all real property rights needed for the construction, operation and maintenance of the Kindig Lane and High Street traffic signal improvement project.

**SECTION TWO. Duration.**

This delegation shall continue until the Project is complete or, at the election of the parties, the same shall be otherwise be terminated.

**SECTION THREE. Purpose and Scope of Delegation.**

The Secretary of Transportation, acting for and on behalf of the Governor as well as himself, shall have the authority to acquire the rights-of-way necessary for the Project amicably or by condemnation.



**SECTION FOUR. Financing.**

One hundred percent of right-of-way acquisition costs, along with all other costs is being funded by the Commonwealth of Pennsylvania, Department of Transportation.

**SECTION FIVE. Organizational Structure.**

All acquisition activities in all phases of the Project, including but not limited to design engineering, right-of-way plans, appraisal, negotiation, amicable settlement documents, condemnation, and all just compensation matters that may be brought before the County Court of Common Pleas, or upon any appeal, shall be managed, directed and performed by the Commonwealth of Pennsylvania, Department of Transportation.

**SECTION SIX. Property.**

The Secretary of Transportation shall acquire property pursuant to all applicable policies and procedures as necessary for the Project as authorized by Section 2003(e) of the Administrative Code, 71 P.S. §513(e), for all transportation purposes which shall include, and not be limited to, acquisitions for local roads and streets.


**SECTION SEVEN. Ownership and Maintenance.**


Following construction, the Borough of Hanover shall own and maintain both the existing and the new improved roadways and facilities including, but not limited to, the traffic signals and said traffic signals shall be added to Section 346-3 (A) of entitled, "Traffic lights; stop signs; bus stops; taxi stands."

**ENACTED AND ORDAINED** this 6th day of August, 2024.

**ATTEST:**

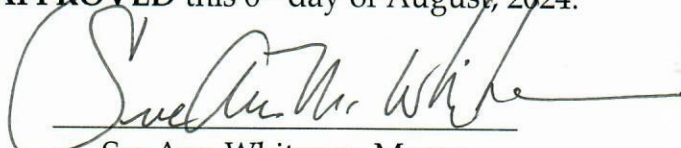
**BOROUGH COUNCIL OF THE  
BOROUGH OF HANOVER**

  
\_\_\_\_\_  
Secretary

  
By: \_\_\_\_\_

William W. Reichart, II, Council  
President

**APPROVED** this 6<sup>th</sup> day of August, 2024.

  
\_\_\_\_\_  
SueAnn Whitman, Mayor